



Attorney Docket No. 036870-5062-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of: )  
)  
Micheal Zasloff, *et al.* )  
)  
Serial No.: 60/217,940 ) Group Art Unit: Unassigned  
)  
Filed: July 13, 2000 ) Examiner: Unassigned  
)  
For: THERAPEUTIC USES FOR )  
AMINOSTEROL COMPOUNDS )

**REQUEST TO CONVERT A PROVISIONAL APPLICATION TO A  
NONPROVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(c)(3)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Applicants request that upon the filing of this paper the subject provisional application serial no. 60/217,940 be converted to a nonprovisional application with a filing date of July 13, 2000. Additionally, Applicants request that, upon conversion, the nonprovisional application be granted the status of a continuation-in-part application under 37 C.F.R. § 1.53(b), of then-pending prior application no. 08/857,288, filed on May 16, 1997, now U.S. Patent No. 6,143,738.

1. Applicants request that the U.S. Patent & Trademark Office expedite the generation of a serial number for this application so that Applicants may report the serial number in an international application, which has been filed on this date. Applicants enclose a prestamped postcard to assist the Office in this expedited request.
2. Since the provisional application contains at least one claim as prescribed by the second paragraph of 35 U.S.C. § 112, Applicants have not provided a preliminary amendment to include a claim.
3. Please cancel claims 2, 3, and 7-11.
4. As set forth in 37 C.F.R. § 1.53(c)(3), this request is accompanied by a check in the amount of \$970.00, which includes:
  - a. the fee set forth in 37 C.F.R. § 1.17(i) of \$130.00;

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01 FC:101  
02 FC:122  
03 FC:105

710.00 OP  
130.00 OP  
130.00 OP

- b. the filing fee for a nonprovisional application of \$710.00; and
- c. the surcharge required by 37 C.F.R. § 1.16(e) of \$130.00.

Fee Calculation (37 C.F.R. § 1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$710.00 Design \$320.00
Total Claims (37 C.F.R. § 1.16(c))	6 - 20 =	0	\$ 18.00 each =	+ \$ 0
Independent Claims (37 C.F.R. § 1.16(b))	2 - 3 =	0	\$ 80.00 each =	+ \$ 0
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))			\$270.00	+ \$ 0
SUB-TOTAL =				\$ 710.00
Reduction by 1/2 for filing by a small entity				- \$ 0
TOTAL FILING FEE =				\$ 710.00

5. Upon conversion, this application will become a Continuation-in-Part patent application of pending prior application no. 08/857,288, filed on May 16, 1997, of:

Inventor: Michael ZASLOFF, et al.

For: THERAPEUTIC USES FOR AMINOSTEROL COMPOUNDS

Prior Examiner: J. GOLDBERG

Prior Group Art Unit: 1614

6. Oath or Declaration

☐ A newly executed (original or copy) oath or declaration is enclosed.

☒ An oath or declaration is not enclosed. This application is being filed under 37 C.F.R. § 1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the declaration and paying any additional filing fees.

## 7. Relate Back - 35 U.S.C. § 120

[x] Amend the specification by inserting before the first line the sentence:

"This is a [ ] continuation [ ] divisional [X] continuation-in-part of copending

[x] Application No. 08/857,288 filed on May 16, 1997, now U.S. Patent No. 6,143,738, which claims priority to Provisional Application No. 60/017,627, filed May 17, 1996 and Provisional Application No. 60/029,541, filed Nov. 1, 1996."

[ ] International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and which designated the U.S."

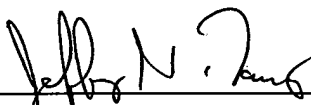
8. [x] **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be an **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Date: July 13, 2001

By:

  
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Jeffrey N. Townes  
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